



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,455	07/07/2006	Sung Hoon Chun	075820-0016	5946

20277 7590 03/18/2009  
MCDERMOTT WILL & EMERY LLP  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER
----------

DASGUPTA, SOUMYA

ART UNIT	PAPER NUMBER
----------	--------------

2176

MAIL DATE	DELIVERY MODE
-----------	---------------

03/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,455	<b>Applicant(s)</b> CHUN ET AL.	
	<b>Examiner</b> SOU MYA DASGUPTA	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2/2008, 7/7/2006</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This is the initial office action based on 110/585,455 application filed on 7/7/2006. This application is a continuation of PCT/KR05/00014 dated 1/5/2005. Claims 1-15, as originally filed, are currently pending and have been considered below. Claims 1, 7, and 14 are independent claims.

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recited “*medium*” of Claim 13. The Specification does not mention the recited “*medium*.” Thus, there is no support or antecedent basis for the recited “*medium*” that allows the meaning of the term to be ascertained, as required in 37 CFR 1.75(d)(1).

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 14 and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Art Unit: 2176

*Claims 14 and 15:*

In summary, Claim 14 recites a “*system*” comprising “*units*” that perform various functions. The examiner notes that, as currently recited, the “*mobile communication terminal*” is not a component of the “*system*.” Although the Specification of the present application does not expressly disclose whether the “*units*” are hardware or software, one of ordinary skill in the art at the time the invention was made (e.g., a computer programmer who writes code for PDAs) would interpret the “*units*” as being computer software modules that perform the recited functions. For purposes of examination, the examiner interprets the “*units*” as software. Thus, the recited “*system*” is software *per se*.

Accordingly, the recited “*system*” is not a process, a machine, a manufacture or a composition of matter, as defined in 35 U.S.C. 101.

Claims 15 merely further defines the electronic data manipulated by the “*system*.” Thus, Claim 15 fails to recite statutory subject matter.

Applicant may obviate the rejection by cancelling the claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 2176

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

**Claim 14:**

The claim recites the limitation “**controlling the publication & request processing unit to provide the searched personalized menu page in case that the personalized menu page is searched as a result of the search,**” and “**provide a general menu page in case that the personalized menu page is not searched as a result of the searched” [emphasis added] (see Lines 17-20). There is no mention in the original Specification of “that the personalized menu page is searched as a result of the search” and “in case that the personalized menu page is not searched as a result of the searched.” The amended claim does not accurately describe the disclosed invention and the Spec does not provide a “written description” of the invention that is now claimed.**

If the examiner has overlooked the portion of the original Specification that describes this feature of the present invention, then Applicant should point it out (by page number and line number) in the response to this Office Action.

Applicant may obviate this rejection by canceling the claim.

**Claim 15:**

Claim 15 is rejected due its dependency on Claim 14.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 14 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 2:**

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 17-20 of Claim 14, the limitation recites "wherein the personalized menu page is generated by performing the steps of: computing the number of selection of menus by menus, wherein **the number of selection of menus is the number that the user has selected menus included in the personalized menu page at the designated location**" [emphasis added]. The recited phrase is vague and indefinite and is not clearly understood by one of ordinary skill in the art. The examiner recommends that the applicant either amended the claim in order that it makes sense or the applicant may obviate this rejection by canceling the claim.

Art Unit: 2176

**Claims 14-15:**

Claims rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 17-20 of Claim 14, the limitation recites "'controlling the publication & request processing unit to **provide the searched personalized menu page in case that the personalized menu page is searched as a result of the search**" and "**provide a general menu page in case that the personalized menu page is not searched as a result of the searched**" [emphasis added]. The recited phrase is vague and indefinite and is not clearly understood by one of ordinary skill in the art because in the scope of the invention, the menu pages are not searched but rather saves the searches. The examiner does not understand how the system that establishes search menu can search its own menu.

Claim 15 is rejected based on its dependency Claim 14.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

*Claims 1, 3-7, 10, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (Us 2005/0256766; PG Pub Date: Nov 17, 2005; PCT Filing Date (PCT/US03/17304): May 30, 2003; Assignee: Infospace, Inc.; hereafter Garcia) in view of Linlor (US 7,273,168; Patent Issue Date: Sep 25, 2007; Patent Filing Date: Oct 8, 2004; Assignee: Xilidev; hereafter Linlor).*

**Claim 1:**

Linlor discloses **a method for providing a menu page at a system for providing a personalized menu page, the method comprising the steps of: maintaining a database including designated location information and a menu page associated therewith, by users,** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to send related advertisements to user with respect to their geographic location. The menu page is functionally equivalent the resulting advertisements sent to a user after the user completes a search; the advertisement can contain a hyperlink to another site.)



**wherein the menu page includes at least one menu for selecting predetermined contents** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to send related advertisements to user with respect to their geographic location. The menu page is functionally equivalent the resulting advertisements sent to a user after the user completes a search; the advertisement can contain a hyperlink to another site.)

**and the configuration of the menu is determined according to each user;**  
(paragraph [0070] → Garcia discloses this limitation in that the limiting parameter is a characteristic associated with the user that may be used to differentiate the user from other types of users)

**in case that the user gets access to the wireless Internet by using a mobile communication terminal, grasping the user's current location;** (paragraph [0067] → Garcia discloses this limitation in that the system can be used on a mobile device or a PDA.)

**determining whether the user is at the designated location, by referring to the database;** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to

Art Unit: 2176

send related advertisements to user with respect to their geographic location. The information is stored on a database.)

**in case that it is determined that the user is at the designated location, searching the database for a menu page associated with the designated location;** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to send related advertisements to user with respect to their geographic location. The information is stored on a database.)

**and transmitting the searched menu page to the mobile communication terminal.** (paragraph [0067] → Garcia discloses this limitation in that the system can be used on a mobile device or a PDA.)

Linlor discloses a menu wherein the menu is a **personalized menu**. (Col 5, lines 38-52 → Linlor discloses this limitation in that the IVR module may personalize the menu according to the particular customer and/or according to the retail stores in a defined area surrounding the user's location.)

Art Unit: 2176

Garcia and Linlor are analogous art because they are from the same field of endeavor of menus for mobile devices with respect to the user's location.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Garcia and Linlor before him or her, to incorporate a system that allows advertisers to send advertisements to users where the advertisements can function similarly to menus, as disclosed by Garcia, with a personalized menu system with respect to user's location, as disclosed by Linlor .

The motivation for doing so would have been to allow multiple ways for a system to present a menu to a user.

Therefore, it would have been obvious to combine Garcia with Linlor to obtain the invention as specified in the instant claim.

**Claim 3:**

Garcia and Linlor disclose the limitations of Claim 1.

Garcia discloses **wherein the menu page is generated by performing the steps of: computing user preferences by menus, by using at least one of frequency that the user has selected menus included in the menu page at the designated location,** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070],

Art Unit: 2176

[0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to send related advertisements to user with respect to their geographic location. The menu page is functionally equivalent the resulting advertisements sent to a user after the user completes a search; the advertisement can contain a hyperlink to another site.

**) service using time with respect to a predetermined service that the user is provided by selecting the menu, or service charges to be paid according to providing of the service;** (Paragraph [0090] → Garcia discloses a ranking system based on fees by the advertisers.)

**giving a priority to each of menus by reflecting the computed user preferences;**

(Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement.)

**and determining configuration of menus that are included in the personalized**

**menu page associated with the user, based on the priority by menus.** (Paragraph

[0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement.)

Linlor discloses a menu wherein the menu is a **personalized menu**. (Col 5, lines 38-52  
→ Linlor discloses this limitation in that the IVR module may personalize the menu according to the particular customer and/or according to the retail stores in a defined area surrounding the user's location.)

Garcia and Linlor are analogous art because they are from the same field of endeavor of menus for mobile devices with respect to the user's location.

At the time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Garcia and Linlor before him or her, to incorporate a system that allows advertisers to send advertisements to users where the advertisements can function similarly to menus, as disclosed by Garcia, with a personalized menu system with respect to user's location, as disclosed by Linlor .

The motivation for doing so would have been to allow multiple ways for a system to present a menu to a user.

Therefore, it would have been obvious to combine Garcia with Linlor to obtain the invention as specified in the instant claim.

Art Unit: 2176

**Claim 4:**

Garcia and Linlor disclose the limitations of Claim 3.

Garcia discloses **wherein said step of computing the user preferences by menus includes the step of computing the user preferences by respectively giving weight to the frequency, the service using time, or the service charges.**

(Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement. Paragraph [0090] → Garcia discloses a ranking system based on fees by the advertisers.)

**Claim 5:**

Garcia and Linlor disclose the limitations of Claim 3.

Garcia discloses **wherein said step of computing the user preferences by menus includes the steps of: respectively computing frequency, service using time, or service charges, during a unit period;** (Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement. Paragraph [0090] → Garcia discloses a ranking system based on fees by the advertisers.)

**computing user preferences during the unit period, by respectively giving weight to the frequency, the service using time, or the service charges, which are computed with respect to the unit period;** (Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement. Paragraph [0090] → Garcia discloses a ranking system based on fees by the advertisers.)

**and giving weight to former user preferences and the user preferences during the unit period respectively, so as to compute current user preferences;** (Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement. Paragraph [0090] → Garcia discloses a ranking system based on fees by the advertisers.)

**and after the unit period passes, the current user preferences are used as former user preferences with respect to a new unit period;** (Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections

Art Unit: 2176

correspond to a higher bid amount, and the higher priority of the advertisement. If the user logs a search or ad for a certain frequency within a period of time, the user log is noted for possible fraud. Otherwise, the search continues for the user.)

**and the user preferences are the current use preferences that are computed most recently.** (Paragraph [0122] → Garcia discloses this limitation in that the competitors (functionally equivalent) to users may select the certain search terms and raise the bids. A high number of user selections correspond to a higher bid amount, and the higher priority of the advertisement. If the user logs a search or ad for a certain frequency within a period of time, the user log is noted for possible fraud. Otherwise, the search continues for the user.)

**Claim 6:**

Garcia and Linlor disclose the limitations of Claim 3.

Garcia discloses **wherein the designated location is a location selected by the user, or by the system for providing the personalized menu page.** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to send related advertisements to user with respect to their geographic location. The menu page is



Art Unit: 2176

functionally equivalent the resulting advertisements sent to a user after the user completes a search; the advertisement can contain a hyperlink to another site. )

**Claim 7:**

Claim 7 corresponds to Claim 1.

**Claim 10:**

Claim 10 corresponds to Claim 3.

**Claim 12:**

Claim 12 corresponds to Claim 4.

**Claim 13:**

Claim 13 corresponds to Claim 1.

*Claims 2, 8-9, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (Us 2005/0256766; PG Pub Date: Nov 17, 2005; PCT Filing Date (PCT/US03/17304): May 30, 2003; Assignee: Infospace, Inc.; hereafter Garcia) in view of Linlor (US 7,273,168; Patent Issue Date: Sep 25, 2007; Patent Filing Date: Oct 8, 2004; Assignee: Xilidev; hereafter Linlor) in further view of Falcone et al (US 5,396,264; Patent Issue Date: Mar 7, 1995; Assignee: Motorola; hereafter Falcone).*

**Claim 2:**

Claim 2 corresponds to Claim 14.

**Claim 8:**

Claim 8 corresponds to Claim 14.

**Claim 9:**

Claim 9 corresponds to Claim 14.

**Claim 14:**

Garcia discloses **a system for providing a personalized menu page including a menu for selecting contents at a mobile communication terminal, the system comprising: in case that a request for providing of a menu page is received from the mobile communication terminal, a publication & request processing unit for selectively providing any one of a personalized menu page or a general menu page, to the mobile communication terminal;** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106]; Fig 15 → Garcia discloses this limitation in that the system allows advertisers to send related advertisements to user with respect to their geographic location. The menu page is functionally equivalent the resulting advertisements sent to a user after the user completes a search; the advertisement can

Art Unit: 2176

contain a hyperlink to another site. Paragraph [0067] → Garcia discloses a system that can be used on a mobile device or a PDA.)

**a personalized menu page unit for (1) computing the number of selection of menus at a predetermined designated time and at a predetermined designated location** (paragraphs [0121] and [0122] → Garcia discloses this limitation in that when the user performs a search, the system records the user's geographic location, demographics, and IP address. It is well-known in the art that TCP/IP protocols include IP addresses and time stamps corresponding to IP addresses when a computer send and receives information over a network.)

**(3) recording the generated menu page in a predetermined database, in association with the designated time and the designated location;** (paragraphs [0121] and [0122] → Garcia discloses this limitation in that when the user performs a search, the system records the user's geographic location, demographics, and IP address. It is well-known in the art that TCP/IP protocols include IP addresses and time stamps corresponding to IP addresses when a computer send and receives information over a network.)

Art Unit: 2176

**and a recommendation engine unit for (1) determining a current location of the mobile communication terminal and the time when the request for providing of the menu page is received,** (paragraphs [0121] and [0122] → Garcia discloses this limitation in that when the user performs a search, the system records the user's geographic location, demographics, and IP address. It is well-known in the art that TCP/IP protocols include IP addresses and time stamps corresponding to IP addresses when a computer send and receives information over a network.)

**(2) searching for a personalized menu page associated with the current location and the received time, by referring to the database,** (paragraphs [0121] and [0122] → Garcia discloses this limitation in that when the user performs a search, the system records the user's geographic location, demographics, and IP address. It is well-known in the art that TCP/IP protocols include IP addresses and time stamps corresponding to IP addresses when a computer send and receives information over a network.)

**(3) controlling the publication & request processing unit to provide the searched personalized menu page in case that the personalized menu page is searched as a result of the search, and provide a general menu page in case that the personalized menu page is not searched as a result of the searched ,to the mobile communication terminal.** (Abstract; Paragraphs [0009], [0013] - [0014], [0037], [0061] – [0063],[0070], [0106], [0121], and [0122]; Fig 15 → Garcia discloses this limitation in

Art Unit: 2176

that the system gives a third-party unknown user general advertisements based on search terms. If it is a repeat user, the system provides advertisements with respect to the data from the user logs and preferences. Paragraph [0119 - 0120] → Garcia also discloses the teachings of this limitation in that the web may be used to search general terms and the local search may be used to search specific terms.”) Examiner

Interpretation of the Claim: *The system provides a personal if the system is familiar with the geographic location or the user has selected certain menu items previously. The system provides a general menu if the system is not familiar with the geographic location or the user has not selected certain menu items previously.*

Linlor discloses a menu wherein the menu is a **personalized menu**. (Col 5, lines 38-52 → Linlor discloses this limitation in that the IVR module may personalize the menu according to the particular customer and/or according to the retail stores in a defined area surrounding the user's location.)

Garcia and Linlor do not appear to explicitly disclose **according to each user, by menus, (2) generating a personalized menu page whose configuration of menus is determined based on said number of selection of menus,**

Art Unit: 2176

Garcia discloses a data log that contains a format of search results, the number of times the listing was displayed, and the order in which the listing was displayed. (Paragraph [0122])

Falcone discloses **according to each user, by menus, (2) generating a personalized menu page whose configuration of menus is determined based on said number of selection of menus.** (Figs 6-7; Col 7, lines 13-20 → Falcone discloses this limitation in that the system re-orders the sequence of menu items in accordance with the selection count for each operating mode so the items are scaled in priority.)

Garcia, Falcone, and Linlor are analogous art because they are from the same field of endeavor of user selected menus.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Garcia, Falcone, and Linlor before him or her, to incorporate a system that allows advertisers to send advertisements to users where the advertisements can function similarly to menus, as disclosed by Garcia, with a personalized menu system with respect to user's location, as disclosed by Linlor, and with a prioritized menu system, as disclosed by Falcone.

Art Unit: 2176

The motivation for doing so would have been to allow multiple ways for a system to present a menu to a user.

Therefore, it would have been obvious to combine Garcia and Falcone with Linlor to obtain the invention as specified in the instant claim.

**Claim 15:**

Claim 15 corresponds to Claim 1.

*Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia et al (Us 2005/0256766; PG Pub Date: Nov 17, 2005; PCT Filing Date (PCT/US03/17304): May 30, 2003; Assignee: Infospace, Inc.; hereafter Garcia) in view of Linlor (US 7,273,168; Patent Issue Date: Sep 25, 2007; Patent Filing Date: Oct 8, 2004; Assignee: Xilldev; hereafter Linlor) in further view of Falcone et al (US 5,396,264; Patent Issue Date: Mar 7, 1995; Assignee: Motorola; hereafter Falcone) in further view of Page (US 6,285,999; Patent Issue Date: Sep 4, 2001; Assignee: Stanford Univ; hereafter Page).*

**Claim 11:**

Garcia and Linlor disclose the limitations of Claims 3 and 10.

Art Unit: 2176

Garcia, Falcone, and Linlor disclose the limitations of Claim 2.

Garcia and Linlor do not appear to explicitly disclose **wherein the configuration of menus includes at least one selected from a group consisting of: (1) configuration enabling a menu with a higher priority to be placed in a higher rank; or (4) configuration indicating a menu with a higher priority in a different type from a menu with a lower priority.**

Falcone discloses **(1) configuration enabling a menu with a higher priority to be placed in a higher rank; or** (Fig 2 → Falcone discloses these limitations in that the functions are listed in a hierarchical order with respect to user frequency.)

**(4) configuration indicating a menu with a higher priority in a different type from a menu with a lower priority.** (Fig 2 → Falcone discloses these limitations in that the functions are listed in a hierarchical order with respect to user frequency.)

Falcone, Garcia, or Linlor does not appear to explicitly disclose **(2) in case that a personalized menu page has a hierarchical menu structure including a sub menu page with at least two depths, configuration enabling a menu with a higher**



Art Unit: 2176

**priority to be located at a page whose depth is low; (3) in case that a personalized menu page has a hierarchical menu structure including a sub menu page with at least two depths, configuration adding a shortcut with respect to the menu with a higher priority, to a page whose depth is lower than the existing location of said menu with a higher priority;**

Page discloses **(2) in case that a personalized menu page has a hierarchical menu structure including a sub menu page with at least two depths, configuration enabling a menu with a higher priority to be located at a page whose depth is low;** (Figs 1-3 → Page discloses this limitation in that the pages are ranked with respect to the number of links to another page. The system assigns ranks to nodes in a linked database.)

**(3) in case that a personalized menu page has a hierarchical menu structure including a sub menu page with at least two depths, configuration adding a shortcut with respect to the menu with a higher priority, to a page whose depth is lower than the existing location of said menu with a higher priority;** (Figs 1-3 → Page discloses this limitation in that the pages are ranked with respect to the number of links to another page. The system assigns ranks to nodes in a linked database.)

Art Unit: 2176

Garcia, Falcone, Page, and Linlor are analogous art because they are from the same field of endeavor of user selected menus.

At they time of the invention, it would have been obvious to one of ordinary skill in the art, having the teachings of Garcia, Falcone, and Linlor before him or her, to incorporate a system that allows advertisers to send advertisements to users where the advertisements can function similarly to menus, as disclosed by Garcia, with a personalized menu system with respect to user's location, as disclosed by Linlor, and with a prioritized menu system, as disclosed by Falcone, and with a page ranking system, as disclosed by Page.

The motivation for doing so would have been to allow multiple ways for a system to present a menu to a user.

Therefore, it would have been obvious to combine Garcia, Page, and Falcone with Linlor to obtain the invention as specified in the instant claim.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOUMYA DASGUPTA whose telephone number is

Art Unit: 2176

(571)272-7432. The examiner can normally be reached on M-Th 9am-7pm, F 9am-1pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SD

/DOUG HUTTON/

Supervisory Patent Examiner, Art Unit 2176